

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERALD ABNER,

Plaintiff,

CASE NO: 03-71040

-vs-

FOCUS HOPE, et al.,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION RECONSIDERATION

Before the Court is Plaintiff Gerald Abner's Motion for Reconsideration of the Court's February 4, 2008 Order denying his Motion for Relief.

Eastern District of Michigan Local Rule 7.1(g) provides the standards for a motion for reconsideration, and states:

[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mktg. Displays, Inc. v. Traffix Devices, Inc.*, 971 F. Supp. 262, 278 (E.D. Mich. 1997). "A trial court may grant reconsideration under Fed. R. Civ. P. 59(e) for any of four reasons: (1) because of an intervening change in the controlling law; (2) because evidence not previously available has become available; (3) to correct a clear error of law; or (4) to prevent manifest injustice." *Hayes v. Norfolk Southern Corp.*, 25 Fed. Appx. 308, 315 (6th Cir. Dec. 18, 2001) (unpublished).

Plaintiff has failed to set forth any facts which show the Court's Order denying his Motion for Relief was in error. Plaintiff has merely reasserted his previous arguments as to why the Court

show remove the Honorable Avern Cohn's order in an unrelated matter, *Abner v. Ford Motor Co. Chesterfield Plant*, No. 03-70789 (E.D. Mich. Mar. 11, 2003), which enjoined Plaintiff from filing any new complaints in the United States District Court for the Eastern District of Michigan against any of the defendants in Plaintiff's previously filed cases before this Court. As Plaintiff has failed to come forth with any palpable error, the Court shall deny Plaintiff's request for reconsideration.

Therefore, the Court **DENIES** Plaintiff's Motion for Reconsideration. (Doc. No. 8).

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 11, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 11, 2008.

s/Denise Goodine
Case Manager